

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 47

October 30, 2009

SUBJECT: POLICY GOVERNING DESELECTION FROM ADVANCED PAYGRADE AND BONUS POSITIONS - REVISED

PURPOSE: This Order will change the policy governing the process of deselecting sworn employees below the rank of lieutenant from advanced paygrade and bonus positions, which is outlined in Department Manual Volume 3, Sections 763.55 and 763.60. The new policy will streamline the process to deselect employees who are unwilling or unable to perform their advanced paygrade or bonus position duties, and likewise hasten the deselection of those employees who commit singular acts which merit deselection or downgrade. The new policy will eliminate provisions that have not been effective in improving Department performance or in assuring that only the best qualified remain in advanced paygrade and bonus positions.

PROCEDURE:

I. DEPARTMENT MANUAL SECTION 3/763.60, REASSIGNMENT TO A LOWER PAYGRADE OR DESELECTION FROM A BONUS POSITION FOR FAILURE OR INABILITY TO SATISFACTORILY PERFORM THE DUTIES OF AN ADVANCED PAYGRADE OR BONUS POSITION - DEACTIVATED. Department Manual Section 3/763.60 has been deactivated from the Department Manual.

II. DEPARTMENT MANUAL SECTION 3/763.55, REASSIGNMENT TO A LOWER PAYGRADE POSITION - REVISED. Department Manual Section 3/763.55 has been retitled as "DESELECTION FROM ADVANCED PAYGRADE OR BONUS POSITION" and revised. This section shall state the following:

An officer below the rank of lieutenant may be reassigned to a position of lower paygrade, to a non-bonus position, or both, in any of the following conditions:

- A.** A commanding officer, in his/her discretion, decides that reassignment is appropriate after determining that a subordinate officer has been unwilling or unable to perform the duties of the position;
- B.** A commanding officer, in his/her discretion, decides that reassignment is appropriate after determining that a subordinate officer committed an act that

merits the reassignment to a lower paygrade position, a non-bonus position, or both. Such a reassignment may be done with or without a personnel complaint;

- C. The position held by the officer is eliminated for budgetary, deployment, or other Department needs. If the position is restored to the budget, deployment, etc., within one year of the officer having been removed, the officer, if otherwise eligible for the position, shall have the right of first refusal to return to the position;
- D. The officer requests reassignment; or,
- E. The officer completes a limited tour assignment.

An officer who is reassigned based on condition "A" or "B" above shall not be assigned to a bonus or advanced paygrade position for at least 26 Deployment Periods (two years).

If an officer is reassigned based solely on a Personnel Complaint and the final disposition of the Complaint is "Unfounded," "Exonerated," or "Not Guilty," the officer shall be restored to the paygrade and bonus pay he or she had before the reassignment.

Upon being served with a reassignment document, the employee may, within ten calendar days, contact Employee Relations Group (ERG) and meet with an ERG representative to allow the employee to state reasons why the proposed reassignment is unwarranted. This is an opportunity for the employee to be heard prior to a final decision by the Department and shall not prevent the employee from exercising rights granted by law or by the Memorandum of Understanding (MOU). The employee may be represented by an employee representative pursuant to the MOU during the meeting with the ERG staff.

III. COMMANDING OFFICER'S RESPONSIBILITIES. Commanding officers shall ensure the following:

- * Complete a request for Transfer and/or Change in Paygrade, Form 01.40.00;

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Note: When an administrative transfer is determined appropriate for an employee as a result of reassignment to a lower paygrade or deselection from a bonus position, the commanding officer shall refer to Department Manual Section 3/762.35 regarding administrative transfers.

- * Complete an Intradepartmental Correspondence, Form 15.02.00, citing the reasons for recommending reassignment to a lower paygrade or deselection from a bonus position and include a statement that the officer was advised of the right to provide a written response to the proposed personnel action within 30 calendar days of the date of notice;
- * Provide the employee copies of the documents;
- * Maintain original documentation until the officer's response is received or 30 calendar days have elapsed; and,
- * After 30 calendar days have elapsed, forward all documentation, including the employee's response if one was submitted, through the officer's bureau and the Employee Relations Administrator, to the Director, Office of Support Services.

The Director, Office of Support Services, shall be the independent authority to grant or deny the request for paygrade reduction and/or bonus deselection and to execute the decision through a Transfer Order.

AMENDMENTS: This Order amends Section 3/763.55 of and deletes Section 3/763.60 from the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "A"